



# ANNUAL REPORT

2022-23





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**JUSTICE ADVOCACY SERVICE**

For support for young people and adults with  
cognitive impairment throughout NSW when they  
are involved with the criminal justice system as  
victims, witnesses or accused/defendants.

**Phone:** 1300 665 908 for information and to  
make referrals from anywhere in NSW. This  
number is available 24 hours/7 days for support  
at a police station for a person with cognitive  
impairment who has been arrested.

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# Word from the Chair

MARGARET SPENCER

I am pleased to present the annual report of IDRS for 2022-2023.

In September this year, the Government released the Final Report of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. The Commission's report highlights the multiple injustices experienced by people with cognitive disabilities particularly in their encounters with legal systems. For those of us associated with IDRS these findings were not new. Our staff see these injustices played out in the lives of persons with cognitive disabilities on a daily basis. Going forward, I believe IDRS has an important leadership role to play to ensure that the recommendations of the Royal Commission are enacted upon and reflected in the services we provide to people with cognitive disabilities in NSW.

As a non-government not-for-profit agency, we can only ensure the rights of persons with cognitive disabilities are recognised and that they have equal access before the law, if we have the funds to deliver quality services, to be innovative and grow our outreach. In 2021-2022, we needed to reapply for the funding for a number of our programs, including the Justice Advocacy Service. Thankfully we were successful in securing funds, and over the past 12 months, we have enjoyed the certainty and stability that comes with knowing we have the finances to deliver our services to people with cognitive disabilities in NSW.

The success of IDRS is only possible because of the leadership of our Executive Officer Janene Cootes AM, and the passion and commitment of the IDRS staff. Janene's deep commitment to the rights of people with cognitive disability is instrumental in shaping the organisational culture of IDRS.

This year we were fortunate to have Judy Harper, who after years away, re-joined IDRS as the manager of the Justice Advocacy Service. We are also fortunate to have a highly experienced and dedicated legal team led by Margot Morris, principal solicitor, providing legal advice and advocacy to persons with cognitive disabilities, as well as education to lawyers, carers and family members and persons with cognitive disabilities. We continue to be appreciative of the important contribution of Dean McLaren, our Aboriginal Engagement Officer. With the overrepresentation of First Nations people in the criminal justice, juvenile justice and child protection systems, it is imperative that IDRS is culturally humble and inclusive, and a safe place for First Nations persons with cognitive disabilities to reach out for advice and advocacy.

On behalf of the board, I would like to thank our volunteers. The Justice Advocacy Service relies on the generosity and dedication of volunteer support persons and solicitors. Without their contribution, our ability to provide seven day a week, state-wide advocacy and support to persons with cognitive disabilities would just not be possible. I also would like to thank the many persons with cognitive disabilities who contribute to the work of IDRS as lived experienced advisors, peer support leaders and co-educators.

Last but not least, I would like to extend my thanks to the IDRS Board members. At our last AGM we welcomed on to the Board Alison Wannan, Linda Steele and Kathy Tidd. We also farewelled Susan Bailey, David Jarjoura and Pip Friedreich. Pip Friedreich stepped down from the Board after nine years as treasurer and chair of the finances and risk committee. Over her time on the Board, Pip was generous in sharing her expertise and contributing to the sound governance of IDRS. At the AGM Craig Mulvey, stepped down after two years as the chair of the board. I thank Craig for his support over the past 12 months, as I 'find my feet' as the new chair.

On behalf of the board, I commend you to read this annual report.

# About IDRS – Making Rights Real



## OUR VISION

Equal rights and justice for people with disabilities.



## OUR PURPOSE

We are a disability advocacy service and a community legal centre.  
We work alongside people with disability to promote and protect their rights.



## OUR VALUES

JUSTICE: what we seek  
RESPECT: what we give  
PERSISTENCE: how we do it

## OUR STRUCTURE



IDRS delivers services through two separate service streams



### Ability Rights Centre

A SERVICE OF IDRS

The Ability Rights Centre (ARC) is the community legal centre of IDRS and delivers legal advocacy; advocacy for systemic change; rights education; support for parents with cognitive impairment; assistance with appeals against decisions of the National Disability Insurance Agency and support to make submissions or interact with the Disability Royal Commission. The Centre also provides legal advice for people with cognitive impairment when they are in police custody. ARC is available to people across NSW.



Justice Advocacy Service (JAS) are available to people with cognitive impairment from 15 offices across NSW. JAS provides a support person for people with cognitive impairment at courts, police stations and legal appointments when they are in contact with the criminal justice system as a victim, witness or accused of a crime. JAS assists people with advocacy and problem solving around issues central to their police and court matters. JAS designs and delivers training for police, court staff and legal representatives.

# Members of the IDRS Board

IDRS is an Incorporated Association governed by a Board of voluntary Directors who give generously of their time and expertise. Directors come from a range of backgrounds contributing their expertise in business, government, law, finance, academia and personal experience of disability to their roles as Board Directors.

This year saw a significant turnover in the IDRS Board of Directors. During 2022-23 we farewelled Directors Susan Bailey, Kirra Cochrane, Phillipa Friedrich and David Jarjoura. We thank each for their unique contribution to IDRS.

In December 2022, IDRS welcomed four new Directors –Dale Robinson, Linda Steele, Kathryn Tidd and Alison Wannan.

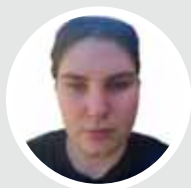
## Margaret Spencer - New Chair IDRS Board

Margaret brings a wealth of expertise and experience to the role of Chair. She holds a Certificate in Nursing, Bachelor of Theology, Bachelor of Social Work and PhD (Disability Studies). Margaret has over 30 years' experience in nursing, community health and welfare; family support, restorative justice and disability advocacy. She has previously worked with IDRS in the Parents' Program from 2009-14. Margaret is currently a Senior Lecturer in Social Work at the University of Sydney and a General Member of the NSW Civil and Administrative Tribunal.





# Making Rights Real Group



ALICIA



DALE



KSENA



JEFFREY



ANDREW



TAYLOR

The Making Rights Real Group is the IDRS advisory group. The group has six members who meet each month to talk about IDRS and about things that are affecting the lives of people with disability. The group gives their advice and feedback on different projects, rights issues and resources that IDRS staff are working on. They are invited by other organisations to conduct similar work.

The Making Rights Real Group is represented on the Board of IDRS, and this year Dale Robinson was appointed to the Board to fill this role and be the link between the two groups.



### This year we:



Presented at the annual conference for JAS staff held in Sydney. We introduced ourselves and our work to JAS staff and volunteers from across NSW. This awareness raising exercise has led to more staff consulting and drawing on the expertise of the group in their work.



Advised Ability Rights Centre staff about how we see the role of advocates and how advocates can best assist a person with disability.



Provided advice and feedback on videos and other resources for the Rights and Relationships course and other IDRS training. Our ideas help to improve the effectiveness and accessibility of IDRS training.



Drew on our own experiences to develop a Support Worker Checklist. This checklist is a tool for disability support workers and their employers. It is designed to encourage and promote professional and respectful support for people with disability using services.



Spoke up on what it is like communicating and working with a lawyer if you have a legal problem. We spoke about the positive ways a lawyer can work with someone with a cognitive disability and the things lawyers should avoid doing. This information was used to develop a training package for Legal Aid lawyers. The lawyers thought it was good.



Shared our feedback and ideas with Dean McLaren, Aboriginal Engagement Worker, about how to make the new IDRS Reconciliation Action plan simpler and more accessible to people with cognitive disability.



We worked together to make a short video for IDRS social media platforms for the International Day of People with Disability. The video reminds viewers and the community of the rights of people with disability.

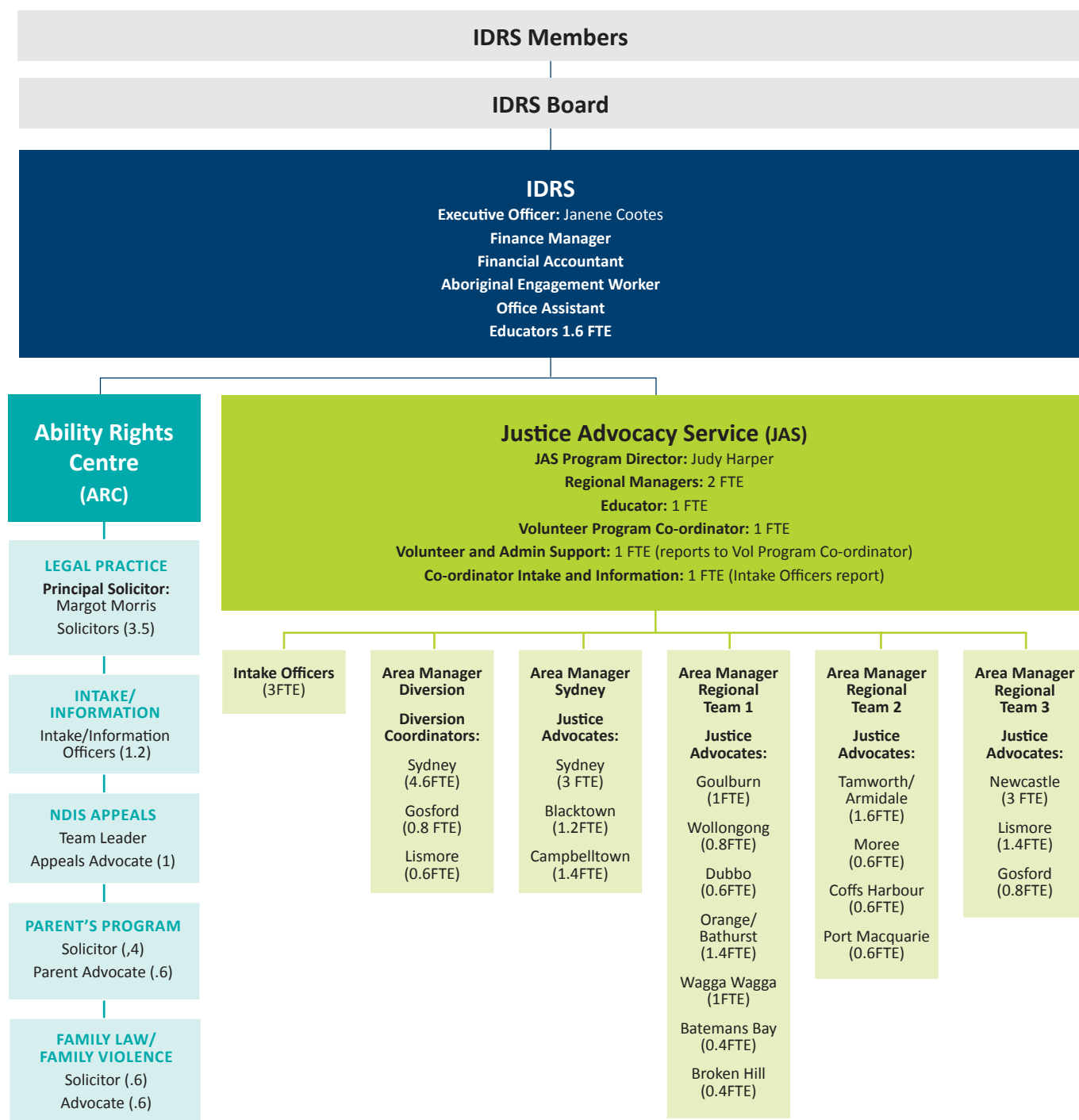
### Advice for government

This year we gave our views in a joint submission on the new Commonwealth Disability Services Act and in a joint submission to the KPMG Alcohol and Other Drug Strategy.

We shared our concern with each other about police use of tasers on people with cognitive and other hidden disabilities. We talked about how scared this made us feel. We decided to develop an advocacy strategy on this issue to let the police and others know what we think.



# IDRS Organisational Chart



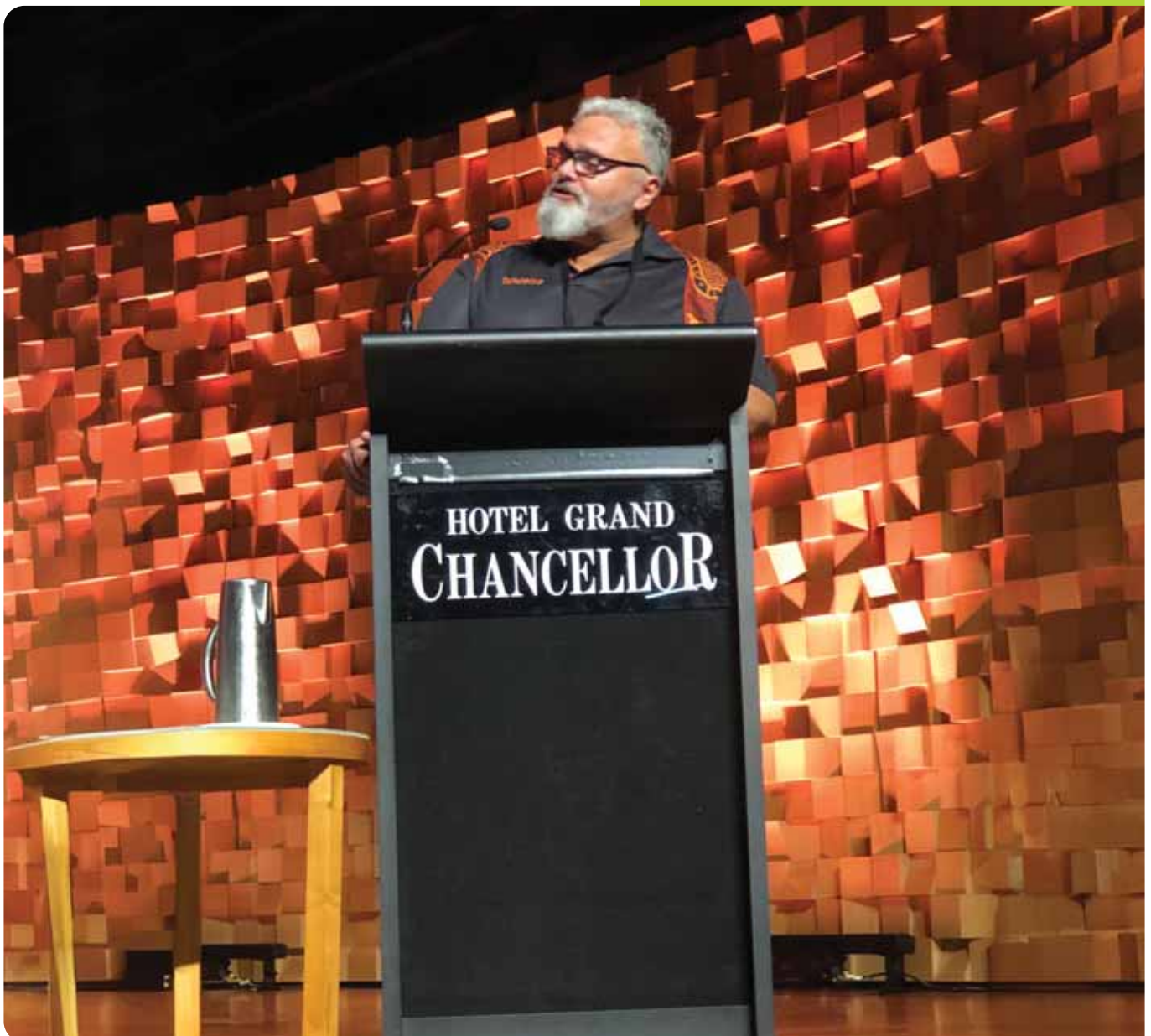
# First Nations People and IDRS

## MY NAME IS DEAN MCLAREN

I am a proud Gamilaraay man. My family are from Burra Bee Dee near Coonabarabran.

I am the Aboriginal Engagement Worker with IDRS. My position works across all IDRS services to make links with First Nations people and organisations. I work to ensure that our services are culturally safe and appropriate for First Nation's people. Here is my report for 2022-23.

- ▼ *Dean McLaren addresses the National Community Legal Centres Conference in Hobart, March 2023, outlining six principles of employment to address racism and unconscious bias and to value Aboriginal voices in our workplaces.*





### REGIONAL TRIPS LISMORE AND ORANGE

Our volunteer program coordinator Lara and I visited Orange this year. We met with our amazing local area volunteers and ran a volunteer information session and connected with local Aboriginal people in the community. I attended an Aboriginal gathering at the Local Aboriginal Lands Council for a yarn and a cuppa tea. We aim to raise awareness of the support services IDRS can offer community and the importance of having local Aboriginal staff and volunteers to provide culturally appropriate support. Mob supporting Mob.

In Lismore, I worked alongside local staff to present training to local police, support services, and community members. We made connections with local Aboriginal organisations. We spoke about our culturally specific training for Aboriginal and Torres Strait Island people in supporting people with cognitive disability in police custody.



### RECONCILIATION ACTION PLAN (RAP)

IDRS are on track with our INNOVATE RAP. We have achieved many of our goals, obligations and commitments. We have an active RAP working group representing each division of IDRS. WE collaborate with other services in our RAP journey hosting NAIDOC and Reconciliation Week events. Our RAP can be viewed on our website <https://idrs.org.au/about-us/reconciliation-action-plan/>

### DECOLONISATION CULTURAL TRAINING

IDRS take cultural education very seriously to ensure that our staff work respectfully and culturally effectively with First Nations people. We have worked with “WAMINDA” South Coast Women’s Health & Wellbeing Aboriginal Corporation to have our staff participate in their powerful Decolonisation workshops.

# IDRS Education

## RIGHTS EDUCATION - PEOPLE WITH DISABILITY

IDRS education and capacity building aims to teach people with disability about their legal and human rights and responsibilities and, importantly, know what to do if their rights are breached. All IDRS education is co-facilitated by skilled educators who themselves live with cognitive disability.

In 2022-23, 499 people with disability joined in rights education. The vast majority were young people in their final year of school or participating in School Leaver Employment Support (SLEs) programs. These young people each completed 4 workshops in the Your Life Your Rights training or Rights in Relationships training.



Over 105 high school teachers and support staff worked with our educators to support this learning for their students. One highlight for the education team this year was the opportunity to deliver the Rights and Relationships program to three schools in Northern NSW.

### High School Teacher

re Rights & Relationships Training

*"Thank you again for allowing us the opportunity to take part in your wonderful project. Thank you for travelling to our little town, and for your gentle and compassionate approach to our students. It really was a fabulous two days that my students just can't stop talking about."*

### SLES Co-ordinator

re Your Life Your Rights Training

*"Thank you for coming out and presenting the legal workshops. The language was just right. The participants have been engaged in all the sessions, asking questions and responding to scenarios. The information informs and empowers our participants."*



### CREATING EDUCATION RESOURCES

With help from the Making Rights Real Group, our education team develop accessible education resources to support training. At present the education team is working closely with a videographer to produce a video on employment rights and responsibilities to be used in future workshops.



### BUILDING CAPACITY OF SOLICITORS

IDRS also provides training for solicitors and other justice personnel to build their capacity to work more effectively with clients living with cognitive disability. This training is unfunded and is usually available on a fee for service basis.

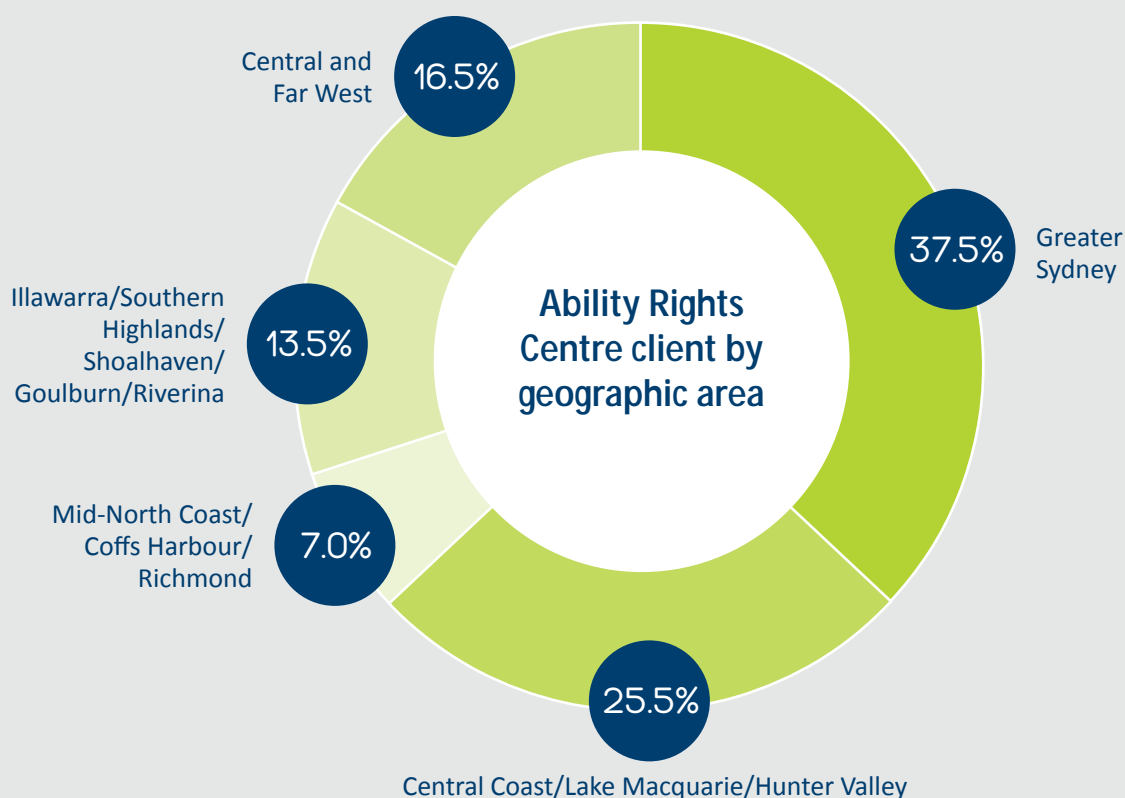
This year educators have worked closely with Ability Rights Centre solicitors to develop and deliver training for Legal Aid lawyers and to deliver training on Financial, Health and Lifestyle decisions for parents of young people with disability.

In 2022-23 this training reached 178 disability and legal professionals.

# Legal Service – Ability Rights Centre

The Legal Service is part of the Ability Rights Centre (ARC) which is the community legal centre of Intellectual Disability Rights Service. ARC provides free community legal assistance for people with disability living in NSW. We prioritise those people with intellectual and other cognitive disabilities who are particularly vulnerable to abuse of their rights and particularly disadvantaged in having their needs met effectively by mainstream legal services.

We offer legal assistance by telephone, online meetings or in person in our Sydney CBD office. During 2022-23, our solicitors have provided legal assistance to over 1,000 people with disability from all parts of NSW.



## OUR CLIENTS

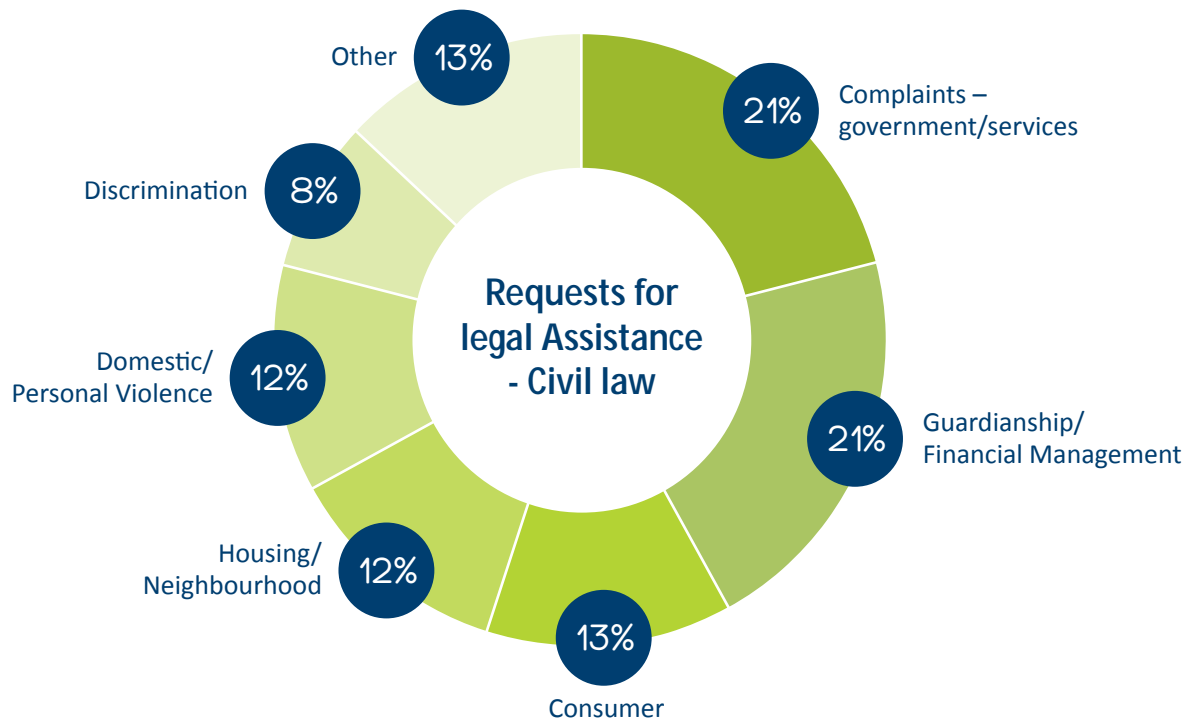
In all cases, our client is the person living with disability, and we communicate directly with that person unless circumstances are exceptional. In many cases, the client may also request or require a support person be present during their appointment.

Ability Rights Centre Legal services include 24/7 legal advice for people with cognitive impairment who are in police custody anywhere in NSW.



### PROBLEM TYPES - CIVIL LAW

Requests for legal assistance in civil law matters related to problems with government services and processes, notably with police and schools, consumer problems, issues related to guardianship and financial management; domestic and personal violence and neighbourhood and housing issues.



◀ Margot Morris - ARC Principal Solicitor  
presenting at the JAS Conference

### FAMILY LAW / FAMILY VIOLENCE

We were successful in applying for funding to set up a small Family Law/Family violence service for people with cognitive disability. The new service provides statewide legal advice on Family Law/Family violence and advocacy support in the Liverpool, Campbelltown, Camden and Wollondilly Local Government areas. The service commenced in January 2023 and our solicitors have provided legal representation in a select number of matters. There has been strong demand for these legal appointments. We have provided additional legal advice appointments specifically for people with cognitive impairment seeking help when they are experiencing or at risk of family violence. There has been strong demand for these appointments. We have undertaken minor legal tasks for some clients of this project and provided representation in a select number of matters.

### SOME EXAMPLES OF ARC LEGAL WORK

#### Family Violence

ARC legal was contacted by a support service concerned about the mother of a school aged child. The woman reported coercive control as well as physical, sexual and financial abuse. English was her second language and she found it difficult to communicate over the phone. Her partner had taken her documents and threatened her and the child. She did not really understand what domestic violence was or that the abuse that she was experiencing was a crime.

Our solicitor gained a much clearer understanding of the situation and was able to get instructions and provide advice when she met the young mother in person in a safe place. We were then able to provide her with legal advice and advocacy to assist her to understand the nature of her partner's behaviour as criminal offences. We were able to advise her about her rights in being able to leave the relationship and her rights in being able to keep her son with her.

She decided to make a report to the police. ARC solicitor arranged a support person through Justice Advocacy Service to be there as well. The solicitor advocated with the police that an Apprehended Domestic Violence order should be in place. Further advocacy was needed with the police to ensure that they would take reported breaches seriously. ARC has taken a considerable amount of time to prepare a statement with the client outlining a long history of violence and ongoing harassment.

ARC legal is continuing to provide further legal services including casework to file an application to receive victims' support as well as ongoing support to receive further family law assistance relating to the child.

#### Disability Royal Commission Representation

ARC legal provided legal representation to a woman with disability appearing before the Disability Royal Commission in a hearing relating to service providers. Her story was used as an important case study exploring some of the issues facing people with disability living in disability accommodation.

Our solicitor supported the woman to prepare her statement for the hearing and provided her with legal advice about her rights during the hearing. Our work involved many visits with the client in person to help her prepare her evidence for The Commission and attendance at the hearing itself. The hearing explored many issues including the rights of women with disability to have a say in who they live with, to be supported in choosing to have relationships and to receive proper education about their rights. The hearing also explored the use of restrictive practices and the challenges of complaints processes when a person feels their rights have not been protected. Her evidence demonstrated the need to improve both the policies of support services and training of staff in the organisation to implement the policies.

ARC legal further assisted by providing a response submission on behalf of the client to the proposed recommendations of the Disability Royal Commission and additionally supported the client in a follow up meeting with the service provider where the provider was able to directly apologise to the client about their experiences during their time in disability accommodation.

# Thank you

## TO VOLUNTEERS AND PRO BONO PRACTITIONERS

We thank all our volunteer lawyers and legal students who have given their own time to help us provide legal services.

Special thanks to the volunteer solicitors, along with our staff solicitors, make it possible for our service to provide vital legal advice 24 hours 7 days week to people with cognitive disability who have been arrested. This is often an extremely stressful time for a person with challenges understanding and communicating.

In addition, we thank those private legal practitioners who have generously provided services to the Ability Rights Centre and its clients during the year. In particular, we thank Miles Foran, barrister-at-law, for his time and invaluable assistance.

## LAW AND POLICY REFORM

The Ability Rights Centre legal service wrote submissions including:

- Submission to the NSW Department of Communities and Justice about a nationally consistent scheme for access to digital records upon death or loss of decision-making capacity
- Submission and supplementary submission to the Royal Commission into Violence, Abuse, Neglect, and Exploitation of People with Disability about issues for residents of group homes.

## PUBLICATION

Margot Morris (Ability Rights Centre principal solicitor) and Kelly Watson (Acting Director of the Justice Advocacy Service) wrote an article entitled '*I don't understand*': Supporting people with intellectual disability in the criminal justice system published in the legal journal '*Precedent*' (Issue 171 – July/August 2022 at pp36-41) by the Australian Lawyers Alliance.

## PROJECT

The Ability Rights Centre was a community partner of the University of Western Sydney School of Law in its 'Designing Law Apps for Access to Justice' program. Law students with a strong interest in web design, coding and communications designed and delivered a web-based application to guide the Centre's volunteer after-hours lawyers in their conversations with clients, police officers and support service workers when providing legal assistance to people with cognitive impairment who are under arrest at NSW police stations. It was a pleasure working with the students and we thank them for their efforts.





# NDIS Appeals and Disability Royal Commission Support

## NDIS APPEALS AND DISABILITY ROYAL COMMISSION SUPPORT TEAM

### NDIS APPEALS

#### OVERVIEW:

The primary work of NDIS Appeals advocacy is to assist people with disability to get better outcomes from the National Disability Insurance Scheme (NDIS). We have achieved this by supporting and assisting people to effectively challenge decisions made by the National Disability Insurance Agency that manages the NDIS.

People can challenge these decisions first directly through the NDIS (internal review). If they are not happy, they can apply to have the Administrative Appeals Tribunal (AAT) review that decision (external review).

In the 2022-23 we saw a steady increase in the number of people contacting our service. To meet demand, we focused our attention on providing thorough, regular advice and information to people who were able to use this support to manage their own review. We were additionally able to directly assist 33 people who were not able to advocate for themselves including one person who took their matter to a hearing in the Administrative Appeals Tribunal.

NDIS Appeals advocacy is in its sixth year of operating at IDRS. This year we took part in regular training provided by Legal Aid NSW so we could keep up to date with law changes, case law and any trends discovered.

AAT statistics show in the last 2 years less than 60% of NDIA decisions appealed in the AAT have a changed outcome. That means less than 6 out of 10 applicants achieve a better outcome. At IDRS all of the people we have directly assisted had a better outcome than the one they originally had.

## PEOPLE ASSISTED IN THE 2022 FINANCIAL YEAR





## SAFE COMMUNITY ACCESS

### CASE STUDY

Debbie is in her 40's. She has intellectual disability and other complex disabilities. She is non-verbal. Her brother, as her guardian, made an application to the AAT to review a decision by the NDIA made in November 2020. After 2½ years this decision was finalised by consent.

Debbie's primary reason for seeking review of her plan was so that her plan would reflect the changes in her functional capacity. Debbie had become unwell. Her capacity had declined suddenly. Being non-verbal, it was difficult for her to communicate what she wanted or needed. She would often express herself physically by kicking or by very loud shouting. Previously Debbie had loved to get out in the community, but her plan no longer provided enough support for her to safely access the community.

Her brother was increasingly concerned that support workers were frequently expected to look after Debbie on their own because there was not funding for staff to support Debbie 2:1 at all times. Further, staff needed training to work with Debbie to meet her changing needs and this could only be achieved with an increased budget. These factors led to high staff turnover which in turn was unsettling for Debbie who reacted with increased frequency of disruptive behaviour.

Debbie did not need to wait for 2 ½ years to get the supports she urgently needed. The advocate worked closely with the NDIA case manager and the legal representative and Debbie's support team to make sure there were adequate supports to access the community and support her in her home while her matter proceeded at the AAT.

The NDIA did not agree with some of the key supports Debbie's team and her brother believed she needed. Each support needed evidence to back it up and it took months for the advocate assisting Debbie's brother to find the right evidence for each support to establish it was reasonable and necessary.

When Debbie finalised her matter at the AAT she had enough funding to provide her with safe access into the community every day; funding for adequate support workers to assist her for all her daily living activities and for staff training as well as a number of other necessary supports.

#### Her brother wrote to us:

*There is no way I can express my gratitude. You have anchored me through this turbulent experience over the last 3 years. I hope you can sense how important that has been for Debbie, my family and me. I would not have been able to do this without your support.*

## CASE STUDY TWO – TIMELY ASSISTANCE

(de-identified) Joshua is a school aged child with cognitive and physical disabilities. His parents applied to the AAT to review a number of supports in his plan. They contacted our service when they received an early offer of settlement for a 12-month plan after one case conference. They had just received an OT assessment for an upgraded car seat for Joshua and wanted this included in the settlement so they could purchase it in the next 12 months.

In discussions with the parents, the advocate realised the parents needed 2 car seats because each parent was responsible for one aspect of dropping off or collecting Joshua from school. They lived rurally. Joshua attended school closer to where the father worked, about an hour's drive away from home. The distance between home, work and school meant swapping cars was not an option. Further, it was not safe for the car seat to be removed from one car and fitted into another one without specialist fitting.

The advocate wrote to the fitting specialist seeking confirmation of fitting arrangements for the seat. This was provided to the NDIA along with the OT assessment and a statement about the family's travel arrangements for home and work stating distances and options.

This information assisted the NDIA in determining that providing 2 car seats was reasonable and necessary and the parents were able to settle without any delay to their son's matter.

## DISABILITY ROYAL COMMISSION

A Royal Commission is an investigation, independent of government, into a matter of great importance. The Disability Royal Commission (DRC) was established in April 2019 in response to community concern about widespread reports of violence, neglect, abuse and exploitation impacting people with disability.

The DRC took its last submissions on the 30th December 2022. The Final report, of the Disability Royal Commission, with 222 recommendations, was delivered on the 29 September 2023. IDRS Disability Royal Commission (DRC) Support Service is now finished. We were immensely proud to be able to support people to be involved in this commission.

We hope to have the opportunity to be part of the delivery of the DRC recommendations in 2024 and beyond.

During 2022 our service continued to assist people who wanted to make a submission to the Disability Royal Commission up to the deadline of 30th December. In 2023 we continued advocacy support for people affected by the DRC. This included assisting people to engage effectively with mainstream services (education, health, corrective services, early education) and in some cases to make appropriate complaints.



**People assisted in the  
2022 Financial year**

**Directly:**

**20**  
people

**Sessions with  
those people:**

**Over  
300**



### REVIEW OF THE NDIS - CLOSED SETTINGS STUDY

The National Disability Insurance Scheme is 10 years old this year.

The Minister for the National Disability Insurance Scheme, the Hon Bill Shorten MP, announced a review of the National Disability Insurance Scheme (NDIS) in October 2022 and that review finished in October 2023.

#### The review undertook to:

1. examine the design, operations and sustainability of the NDIS and
2. examine ways to build a more responsive, supportive and sustainable market and workforce.

The people conducting the NDIS Review said that they had not received much feedback from people with disability who are in closed settings such as group homes or custodial settings. They asked Disability Advocacy Network Australia (DANA) to contract advocacy organisations to undertake projects to get input from people with disability in closed settings.

IDRS was uniquely placed to approach people with cognitive disability who had recently spent time in custody since the Justice Advocacy Service and Ability Rights Centre of IDRS both work with this group.

We interviewed fourteen people: Ten people who have cognitive disability and who have recently exited custody, using a short over the phone survey. Four people who work in custodial settings with people who have cognitive disabilities.

The purpose of the survey was to gather information about the services these individuals used and any insights they had for the ongoing NDIS review with regards to: Quality and Safeguarding, Mainstream and Housing (SIL/ILO/Other). We specifically targeted those who are NDIS participants or attempting to access the scheme, because they would have insights about the NDIS.

#### Our study concluded:

To better meet the needs of people with cognitive disabilities in custody the following should be available:

1. Holistic planning for people exiting custody to include both NDIS and Mainstream supports.
2. For appropriate services to be available in the community to those who are not NDIS participants, such as housing and counselling.
3. For there to be more effective messaging for people with cognitive disabilities about their rights to complain about services and what to do about neglect, violence or exploitation from services.

# Parents' Program and Family Law / Family Violence

The Parents' Program works with parents with intellectual disability who are at risk of having a child removed from their care. Our Parents' Program works with women with intellectual disability during pregnancy to support families to respond to any concerns that Department of Communities and Justice may have. We assist parents who are involved in care and protection proceedings in the Children's Court.

The Parents' Program is a very small service employing a part time solicitor and a part time parent advocate.

Parents' Program legal advice is available to parents with intellectual disability living anywhere in NSW. However, the intensive support provided by the parent advocate is only available to people living in the Illawarra and Macarthur areas.

In 2022-23 the Parents' Program worked with 90 parents with intellectual disability.

## NEW FAMILY LAW/FAMILY VIOLENCE SERVICE

In 2022-23 ARC was successful in applying for National Legal Assistance Partnership (NLAP) funding to deliver Family Law/Family Violence assistance to people with intellectual disability. The new funding commenced in January 2023. The service will provide legal advice and some legal casework to people with intellectual disability statewide as well as non-legal advocacy to people with intellectual disability living in the Macarthur and Liverpool areas. The new service employs a solicitor and an advocate each working 3 days a week.

The new Family Law/Family Violence service and the Parents' Program work very closely and collaboratively because many of the problems faced and the relevant areas of law, are common to both client groups. We are excited to develop new expertise and provide new options for people with intellectual disability impacted by Family Law and Family Violence challenges.





### CASE STORY: BIANCA – FEARS ABOUT LOSING CONTACT WITH HER CHILD

Bianca is a young woman with a child, Cara, in kinship care. Bianca lives with intellectual disability and Post Traumatic Stress Disorder. She lacks the confidence to assert herself when there are differences between her child's carers and her.

Cara is in the care of her father's relatives. Parental responsibility was shared between Bianca, her ex, and her ex's relatives. Parents' Program solicitor represented Bianca in the court case which made that order.

Bianca had relocated to a regional area but was still in contact with Cara through weekly phone calls and physical visits. Bianca had made a new life for herself. She had a new baby and was doing well.

DCJ made an application to have Cara placed under the guardianship of her carers, thus ending the period of shared parental responsibility. DCJ felt that it was in Cara's best interests that parental responsibility for her was solely allocated to her actual carers.

Bianca was afraid that the carers would make ongoing contact with Cara difficult as relations between the parties had become strained. She approached Parents' Program solicitor who agreed to represent Bianca again. He explained that it was highly likely that the Children's Court would make a guardianship order but that we could press for the kind of contact that Bianca wanted, as well as support from DCJ to help Bianca travel to see Cara with her new baby and partner. Previously the carers had not included Bianca's new partner, although Bianca depended upon him to drive her and assist with the care of her new baby. The carers would not allow him or the new baby in their home.

A Dispute Resolution Conference was held via audio visual link. Our solicitor travelled to Bianca's town to be with her in person. The parties reached an agreement at the Conference that allowed for Bianca to continue a similar degree of contact that she was enjoying with Cara, as well as for DCJ to assist financially with the costs of travel and accommodation so that her partner and child could travel with her. When the matter returned to court the Final Orders reflected the agreement made at the Dispute Resolution Conference.

Although not a legally complicated matter our solicitor was able to assist Bianca to achieve the best outcome in the situation, keeping her connected to her daughter and addressing the issues of greatest concern to her.



# Justice Advocacy Service

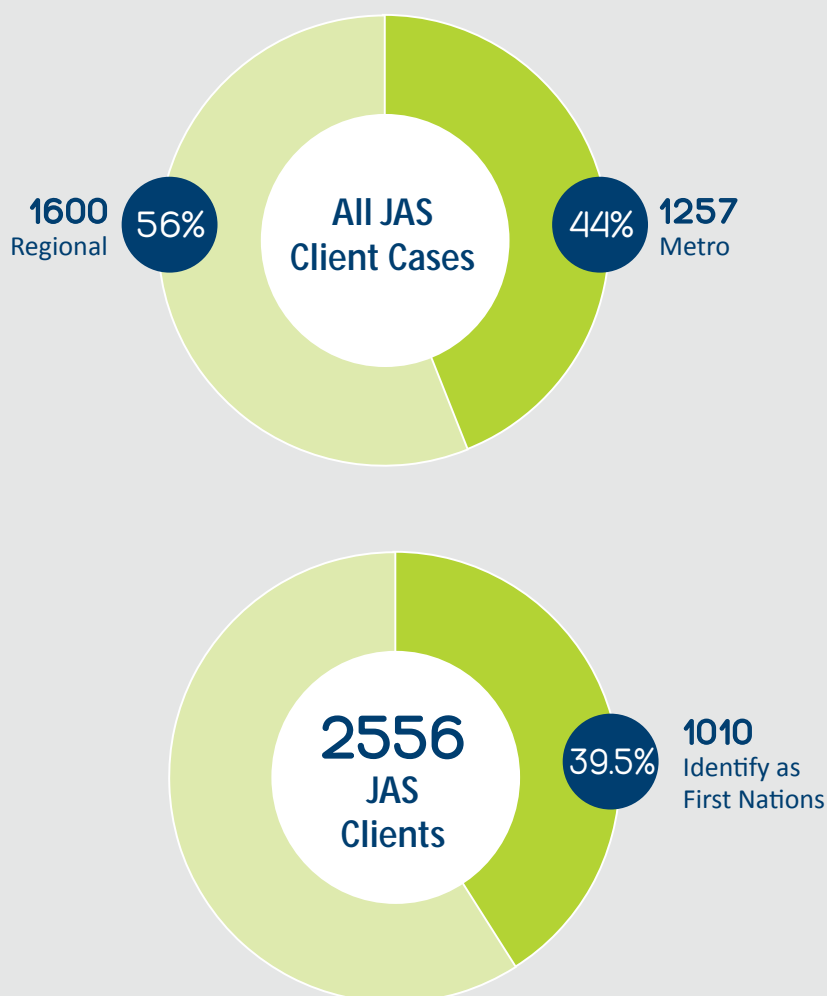
2022-23 has been a year of growth and consolidation for the Justice Advocacy Service (JAS), with a focus on establishing the new Diversion Service which is being piloted in 6 courts. The year has provided the opportunity for consolidation and future focus for JAS following a lengthy period of funding uncertainty and the impacts of COVID.

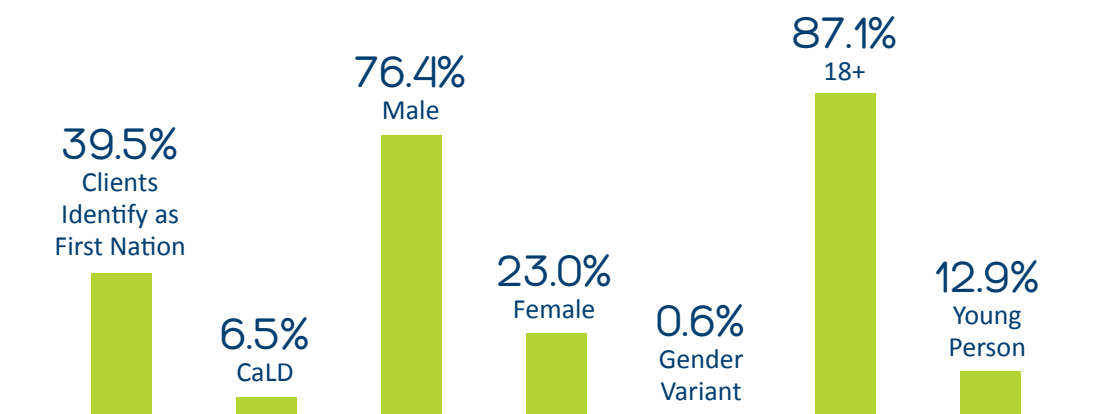
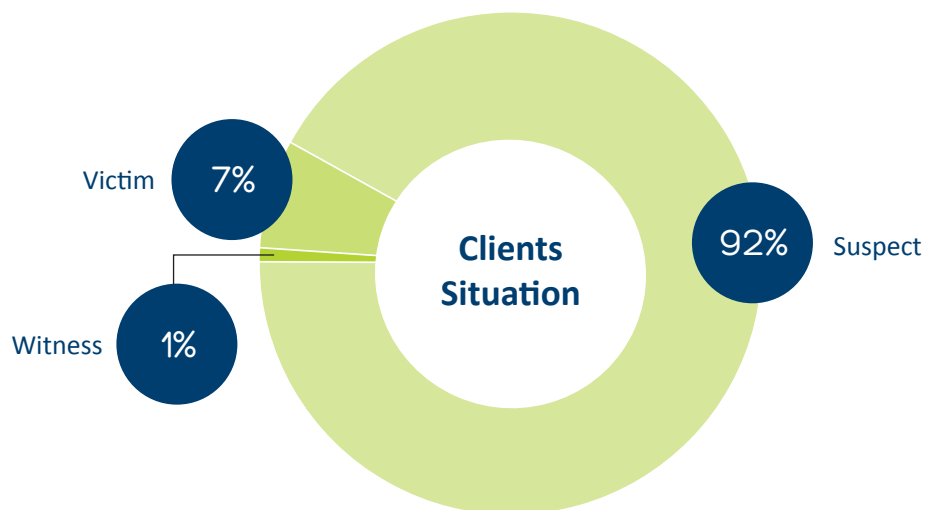
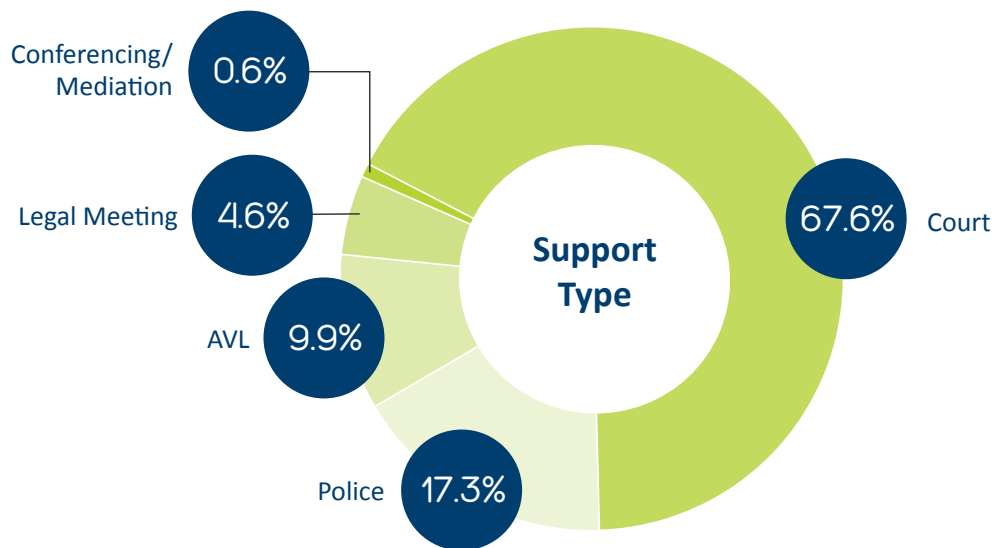
During 2022-23 Department of Communities and Justice engaged Ernst and Young to conduct a Process Evaluation of JAS during 2022-23. We await the results of that evaluation prior to commencing an Outcomes Evaluation in 2023-24.

## JAS SUPPORT IN 2022-23

Overall, JAS provided 6045 supports to 2556 people during 2022-23. First Nations people represent 39.5% of people who received JAS support.

Most supports were provided to people attending court. We were able to meet 100% of requests for support at a Police Stations during 2022-23. Supports in Regional areas made up 44% of total supports.





## CHALLENGES IN 2022-23

This year has seen unprecedented growth in demand for JAS services, including for after-hours police station support. Whilst positive, growth in demand has also presented significant capacity challenges for our teams, particularly in Sydney.

Due to unsustainable caseloads in Sydney, we took the difficult decision to restrict Intake of requests for court support in metropolitan Sydney from February to May 2022 whilst we implemented several strategies to respond to growing demand. Strategies included recruitment of additional casual staff and volunteers and the development of a prioritisation process as a tool to manage demand.

During this 4-month period JAS was unable to meet requests for support from 149 people in their court matters. All referrals for police station support, for the Diversion Service and for victim support continued without disruption. The challenge remains with Metropolitan Sydney and Newcastle areas continuing to receive referrals that exceed our capacity to respond.





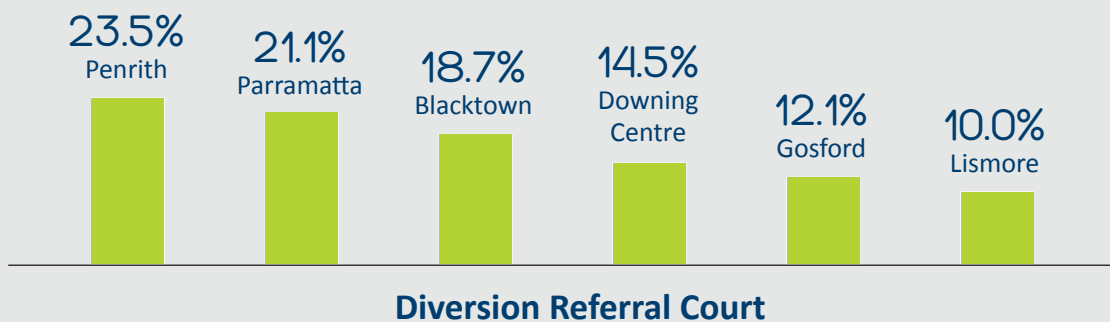
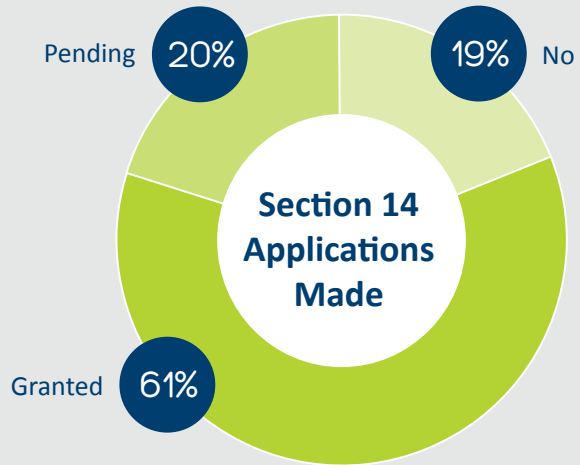
## DIVERSION SERVICE PILOT

The Diversion program commenced in July 2022 and within 3 months was established and functioning with a full team at Downing Centre, Parramatta, Blacktown, Penrith, Gosford and Lismore Local Courts. We have established working relationships with Legal Aid, Aboriginal Legal Service and Justice Health in each area and effective collaboration has seen positive outcomes for most diversion clients. Magistrates have been very positive and supportive of the Diversion program.

The primary difference between the diversion program and other support provided by JAS, is that the Diversion Program includes funding to obtain assessments of cognitive impairment if there is no existing evidence. The Diversion staff provide short term case co-ordination and work with clients to identify suitable supports and link the client with them. The Diversion Coordinator prepares a report, including a support plan which is submitted to the Court, by the client's legal representative. This process often includes assisting the client to engage or re-engage with the NDIS.

Through this process, 16% of our Diversion clients received a diagnosis of Cognitive Impairment for the first time.

First Nations People made up 41.5% of people who have been part of the new Diversion Service in its first year.



## ADVOCACY AND RESEARCH

JAS continues to be sought out for advice, input and consultation on a wide range of initiatives. This is a positive acknowledgment of both the expertise and profile of JAS, as well as increased awareness of the need to address the challenges of people with cognitive impairment. Consultations included:

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Social Outcomes Lab research for Youth Justice on young people understanding bail and ADVO conditions.

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Youth Justice Stakeholder Engagement consultation for Children's Courts.

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National Justice Project and research on Alternatives to Police as First Responders.

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USyd Australian Research Council funded study into audio visual links (AVL) and vulnerable witnesses, complainants and defendants in criminal justice.

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JAS was requested to make a submission to Operation Mantus on "Systemic Issues in relation to Police practices of Interviewing following refusal to interview" with the Law Enforcement Commission based on JAS experience.

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Development of a whole-of-government Alcohol and Other Drug (AOD) Strategy.

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Engaged with Youth Justice projects, working groups and pilots for Mascot and Wagga Wagga LAC's.

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ADVO Easy Read conditions cards/stickers were developed with Ability Rights Centre and are being used by staff and volunteers. After considerable work it is significant that the ADVO Easy Read conditions are now part of the AVOW App.

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## VOLUNTEERING IN JAS

Volunteers continue to play an integral role in the services provided by JAS. There has been significant focus this year on the development of a Volunteer Strategy with incremental changes and improvements being made. After the impact of COVID on volunteering it has been pleasing to see the number of people now engaging or re-engaging to volunteer with JAS. We are currently receiving an average of 30 volunteers per quarter and on average a third continue to be active volunteers. These are state-wide and it is positive to see the regional spread of volunteers increasing. We are incredibly grateful for the skills, knowledge, wisdom, commitment and passion of our volunteers who continue to support people in all scenarios, and without whom JAS would not achieve what it does.

### Volunteer Utilisation



**6,040**

Total number of supports provided



**2,407**

Number of supports provided by volunteer



**40.7%**

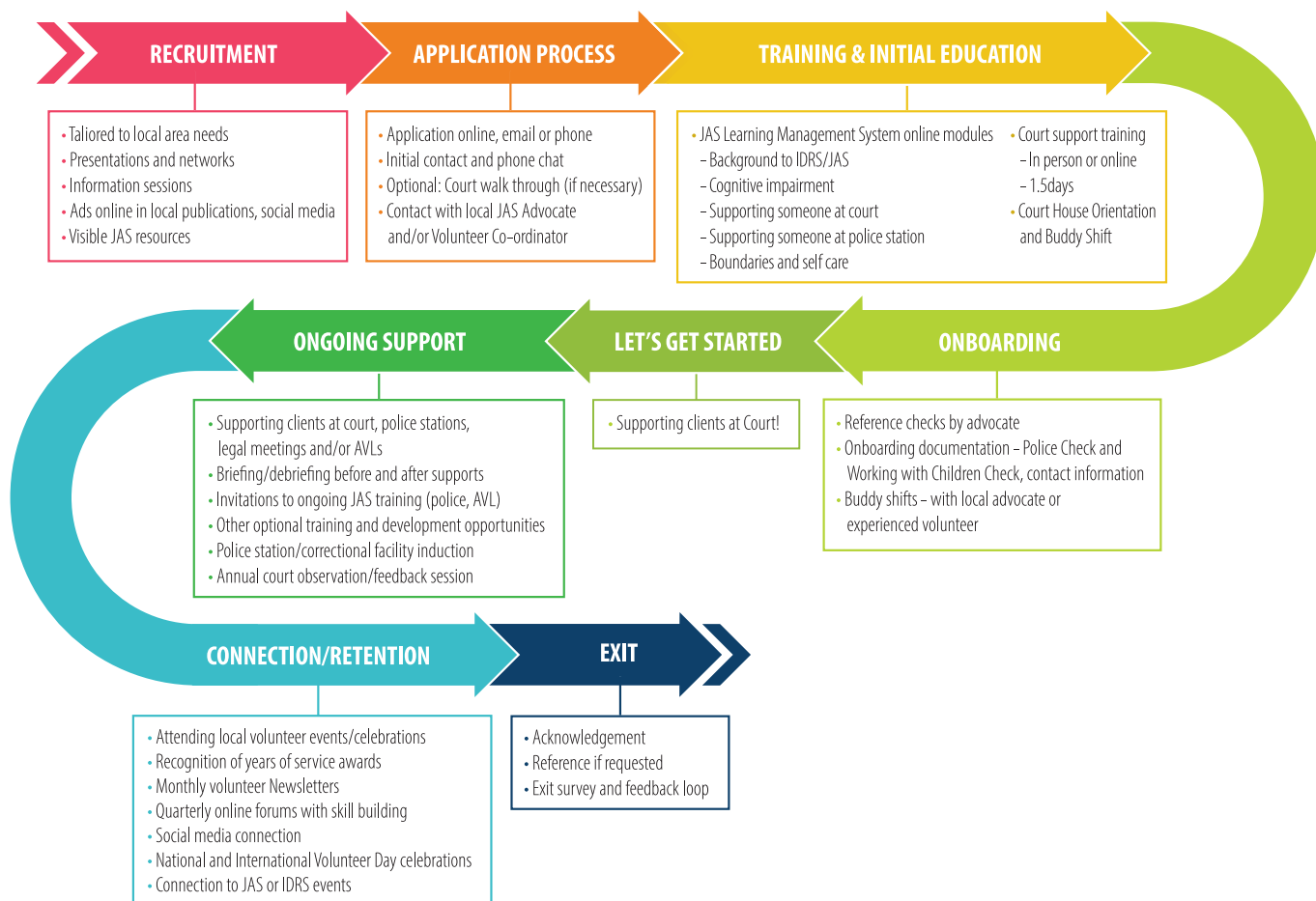
% of supports completed by volunteers



**116.5**

Average number of active volunteers

### Volunteer Life Cycle





## Some of the highlights this year include:

The development of the Volunteer Life Cycle, a way to articulate our commitment to volunteers, assist in recruitment for people to understand the process and how they will be supported.



### Ongoing Support

222 volunteers completed training, including Accidental Counsellor training with positive feedback, and attending the NSW Volunteer Conference in Sydney.

An AVL training package was developed in response to survey feedback, with several volunteers commencing support for people on remand.

Volunteers have taken on mentoring roles by participating in training delivery and buddying up with new volunteers at initial court supports.

### Recruitment

Recruitment drives successfully targeted Grafton, Newcastle, Coffs Harbour, Port Macquarie and the Central West. Different strategies were tested in different areas including radio advertising, service club presentations, presence at Seniors and Volunteering Expo's.

A week long visit to the Central West with a focus on First Nations community engagement resulted in two new First Nations volunteers.



### Connection and Retention

A monthly Volunteer Newsletter is distributed and utilized for a variety of consistent communication and development to volunteers.

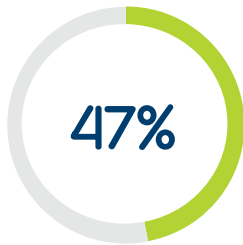
Recognition Events for volunteers as part of National Volunteer Week in May occurred and the team put together a "thank you" video for volunteers which featured on our website.

Diversification of volunteer roles, with admin volunteers supporting in a variety of ways.



## WHAT DO OUR CLIENTS SAY?

Results from Client Exit Survey's this year indicate:



felt that they understood the justice system better after JAS support.



felt JAS support made a difference to what happened.



felt they got the help they needed from JAS.



reported feeling more confident to get help from other services after support from JAS.

## WHAT DIFFERENCE DID THEY THINK JAS MADE?

*"Before JAS got involved nobody from police to magistrates to court staff cared or helped, with JAS involvement people listened and changed the whole experience and outcome for Joe."*

*"Being an Aboriginal person, they were quite anxious about going to court as they feel that the system is stacked against them. Having a JAS support person made the experience more bearable and supported. Also, JAS was really good with communicating what was happening."*

*"Good communication. Made him more comfortable during the court process."*

*"M (JAS) was a great support not only for B (client) but also for the support staff from his disability service."*

### **CASE STUDY: SUPPORT AT THE POLICE STATION – AVOIDING CUSTODY**

Alex has multiple diagnoses including mild intellectual disability and schizophrenia. He had been arrested for a breach of AVO and intimidation, following an alleged dispute with family members.

Police informed the JAS support person that bail would not be granted as Alex did not have an appropriate address. Given his vulnerabilities, the fact that he had never lived out of home and his stated difficulty in attending to his own needs of daily life, JAS felt it would not be safe for Alex to be in temporary accommodation without support.

JAS located an affordable accommodation provider with links to the justice and the disability sectors who agreed to provide temporary housing support. The Police were advised, and bail was granted.

JAS established that Alex was an 'inactive' participant with the NDIS but had no supports. JAS made enquiries with NDIS and made a referral to a Psychosocial Recovery Coach, who could provide casework support.

Within a month, Alex had a \$200,000+ NDIS plan, accommodation and wrap-around support. JAS is supporting him to apply for a Section 14 Diversion Order. Without JAS assistance Alex would have been bail refused and remanded in custody for an unknown period of time.

### **CASE STUDY: VICTIM SUPPORT – WHEN NO ONE LISTENS OR BELIEVES**

Sebastian has an acquired brain injury and is the victim in an AVO matter.

He approached JAS at a Regional courthouse requesting help to speak with police about breaches of his AVO order by the defendant. Sebastian said he had called the Police over the previous weekend and told them the problems he was having but they didn't do anything.

JAS attended the police station with Sebastian and explained that Sebastian was protected by an AVO order, and this was being breached by the defendant.

The police advised that there was an AVO, but that Sebastian was the defendant. JAS had supported Sebastian in the hearing where the AVO matter against him was dismissed so we knew the police had the wrong information. Police continued to search for the current order, which confirmed that Sebastian was the protected person, and the defendant was to have no contact with him.

Sebastian provided phone evidence to the Police where the defendant had sent voicemail messages and text messages to Sebastian's phone. Police suggested Sebastian should change his phone number. JAS explained that this was not a suitable solution. It would be very difficult for Sebastian to manage if he changed his number for many reasons including the impact of his cognitive disability. Sebastian had been given the protection of a no contact order, and the defendant should not be contacting him.

Police advised they would investigate the concern and a brief discussion took place including showing the officer more evidence on Sebastian's phone and discussing an incident where the defendant had entered Sebastian's home.

JAS supported Sebastian through a video interview with the Police. At the conclusion of the interview Police advised they would conduct an investigation. The investigation is ongoing.



### CASE STUDY: DIVERSION SUPPORT AFTER 10 YEARS

Dane has a diagnosed intellectual disability. He has an extensive criminal history dating back over 10 years. He had never been granted a diversion order before.

Dane was referred to the JAS Diversion program by his Legal Aid lawyer. He was initially reluctant to engage with the Diversion coordinator as he'd had negative experiences with service providers in the past. These past experiences also meant that he was not engaging with any services as part of his NDIS plan and as a result his funding had been dramatically reduced.

JAS Diversion Coordinator liaised with the NDIA to find existing evidence of his intellectual disability. The available funding in his NDIS package was not adequate to meet Dane's support needs so JAS helped him to get a Review of his plan and, supported by the Diversion Coordinator at the plan review, Dane and his family were able to provide necessary information to have his plan increased significantly. The Diversion Coordinator helped Dane to find a Support Coordinator who would be a good fit for him and provided a support plan and recommendations to the court.

Dane was granted his first ever Section 14 Diversion order. JAS Diversion Coordinator worked with Dane for a few weeks after sentencing to make sure things were in place with his new support team before exiting Dane from the service.

#### Thankyou

from Daniel's  
father

*"I would just like to say how grateful Daniel and I are for your support during this legal process.*

*JAS contacted me and the comfort that support provided us was enormous. It's a very scary process and it was a very unique situation in which we had no idea of our options.*

*The volunteer who joined us yesterday was also fantastic. It's not actually possible to fully describe what we have been through in recent times I, my faith in humanity and myself has been sorely tested. It's very reassuring to know that people like you guys are out there."*



# Thank You

## VOLUNTEERS

IDRS relies heavily on the enormous contribution of over 180 skilled and dedicated volunteers working across NSW to help support rights and justice for people with disability. This year several volunteers have been recognised for their volunteer work with awards from their local communities. Congratulations to the Sydney JAS Volunteer team who won the NSW Volunteer of the Year Award from the Centre for Volunteering. Fantastic and well-deserved recognition!

Our volunteers play many vital roles – as support persons for people interacting with the criminal justice system; as solicitors providing legal advice to people who have been arrested at all hours of the day or night; as students who fill various roles or as Board Directors who oversee and steer the management of IDRS.

Huge thanks to everyone who gives so generously of their time and skills.



◀ Newcastle staff thank JAS volunteer Joyce Pinchin for over 12 years volunteering. She received a standing ovation while attending Cessnock Court and a certificate of appreciation from her local Member of Parliament.

## FUNDING

IDRS acknowledges and appreciates the contribution of Commonwealth and NSW Government funding which supports our services.

In 2022-23, IDRS received funds from the following government Departments.

### **Commonwealth Department of Community Services**

- Legal and Systemic Advocacy – National Disability Advocacy Program
- NDIS Appeals Support and Disability Royal Commission Support
- Information Linkages and Capacity Building – Rights and Relationships training

### **NSW Department of Communities and Justice**

- Justice Advocacy Service
- Legal and systemic advocacy - Disability Advocacy Futures Fund

### **Legal Aid NSW**

- Parents' Program – Community Legal Centres Program

### **Commonwealth Attorney-General's Department**

- Family Law/Family Violence Program – National Legal Assistance Partnership.

Thank You



Donate

## TO SUPPORT THE WORK OF IDRS

Give Now Website: [www.givenow.com.au/idrs](http://www.givenow.com.au/idrs)

IDRS website: [www.idrs.org.au](http://www.idrs.org.au)

*Donations to IDRS are Tax Deductible*

*IDRS ABN 11 216 371 524*

**NOTE:** IDRS audited Annual Financial Report for the year ended 30 June 2023 is available on IDRS website [www.idrs.org.au](http://www.idrs.org.au)







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